



Entered on Docket
June 20, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

Stephanie L. Cooper, Esquire
Nevada Bar No. 5919
THE COOPER CASTLE LAW FIRM
A Multi-Jurisdictional Law Firm
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Loan No. 1205205597 / Our File No. 08-04-2101

Attorney for Secured Creditor
America's Servicing Company, Servicer for CS PMSR ARMT

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

REGINO C. GRUSPE

Debtor(s)

CHAPTER 13
BANKRUPTCY NO.: 07-18810-LBR
DATE: May 27, 2008
TIME: 1:30 PM
MOTION NO.:

**ORDER FOR ADEQUATE PROTECTION AND TERMINATION OF AUTOMATIC
STAY UPON NON-PAYMENT**

THIS MATTER HAVING come on for Hearing on May 27, 2008 in the above-referenced Court, before the Honorable Linda B. Riegler, United States Bankruptcy Judge, Michael W. Chen, Esq. of THE COOPER CASTLE LAW FIRM attorneys of record for Secured Creditor, having appeared and REGINO C. GRUSPE appearing through David Krieger, Esq., and this Court being fully advised on the premises, and good cause appearing;

IT IS ORDERED, ADJUDGED AND DECREED that on or before May 30, 2008, the DEBTOR shall pay to Secured Creditor the sum of \$1,600.00, representing a "good faith"

1 payment towards the balance on arrears, a full breakdown will be defined later in this order. Said
 2 sum shall be in certified funds and made payable to America's Servicing Company and mailed or
 3 delivered to THE COOPER CASTLE LAW FIRM located at 820 South Valley View Blvd., Las
 4 Vegas, NV 89107.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that DEBTOR(S) shall
 6 maintain regular monthly post-petition payments on Secured Creditor's 1st Trust Deed
 7 obligation, encumbering the subject Property, generally described as 2511 Madre Grande St. Las
 8 Vegas, Nevada 89142 ("Property" herein) and legally described as follows:

9 PARCEL I:

10 LOT TWO (2) IN BLOCK ONE (1) OF BONITA HILLS, AS SHOWN BY MAP
 11 THEREOF ON FILE IN BOOK 113, OF PLATS, PAGE 4 IN THE OFFICE OF
 12 THE COUNTY RECORDER OF CLARK COUNTY NEVADA.

13 PARCEL II:

14 AN EASEMENT FOR INGRESS AND EGRESS OVER THE PRIVATE
 15 STREETS AND COMMON AREAS AS SHOWN AND DELINEATED ON
 16 SAID MAP

17 in a timely fashion, commencing with the June 1, 2008 payment, and continuing thereafter on the
 18 first day of each month. Payments are due on the 1st day of each month. Said payments shall be
 19 made directly to America's Servicing Company, One Home Campus, BK Payment Processing,
 20 MAC #X2302-045, Des Moines, IA 50328.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that REGINO C. GRUSPE
 22 shall make additional payments to the above referenced address in the amount of \$407.20 each,
 23 commencing June 20, 2008 and continuing for six (6) months until the post-petition arrearages
 24 owing on Secured Creditor's 1st Trust Deed are cured. A definition of said arrearages are
 25 detailed in the table listed below:

3 monthly payments at \$1,546.14	\$4,638.42
March 2008 through May 2008	
Accrued Late Charges	\$136.46

Filing Fee	\$150.00
Post-Petition Attorney Fees	\$650.00
Less: Suspense Balance	<\$1,531.68>
Less: Good Faith Payment	<\$1,600.00>
Total Post-Petition Arrearage	\$2,443.20

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Debtor shall pay into the plan on time and must remain current as previously directed by the Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all actions taken by the Secured Creditor's in regards to the statutory remedies afforded under State Foreclosure Statutes are in full force and effect until Secured Creditor's Proof of Claim is paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event that the Debtor fails to comply with the regular monthly or stipulated payments ordered above, Secured Creditor shall send to the Debtor a written notice of default to REGINO C. GRUSPE at 2511 Madre Grande St. Las Vegas, Nevada 89142 with a copy sent to the Debtors counsel David Krieger, Esq., located at 1020 Garces Avenue Suite 100, Las Vegas, NV 89101, stating that the Debtor shall have ten (10) days to cure. An additional attorney's fee of \$100.00 will be incurred for each notice of default. In the event that the Debtor fails to timely cure said default of payments after ten the (10) day period has expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic Stay. Upon entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for all purposes as to Secured Creditor, America's Servicing Company, Servicer for CS PMSR ARMT, its assignees and/or successors in interest, may proceed with a foreclosure of and hold a Trustee's Sale on the subject property, pursuant to applicable state law, and commence any action necessary to obtain complete possession of the subject Property. Upon disposition of collateral, Secured Creditor will amend or delete its Proof of Claim and provide Trustee with the notice of same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event case converts to a Chapter 7 proceeding the Secured Creditor will issue the same written notice as stated above for the total arrears to include pre-petition debt (if any should remain) that would have been paid through the former Chapter 13 Plan which Debtor will be given the same ten (10) day period to cure. In the event Debtor fails to cure said arrears after the ten (10) day period has expired, Secured Creditor shall submit an Ex Parte Order Terminating the Automatic Stay. Upon entry of the Ex Parte Order, the Automatic Stay shall be immediately extinguished for all purposes as to the Secured Creditor, America's Servicing Company, Servicer for CS PMSR ARMT, its assignees and/or successors in interest, may proceed with a foreclosure of and hold a Trustee's Sale on the subject property, pursuant to applicable state law, and commence any action necessary to obtain complete possession of the subject Property.

Submitted by:

THE COOPER CASTLE LAW FIRM
A Multi-Jurisdictional Law Firm

By:

Date:

Stephanie L. Cooper, Esq.
Attorney for Secured Creditor
America's Servicing Company, Servicer for CS PMSR ARMT

APPROVED/DISAPPROVED

By:

Date:

David Krieger, Esq.
Attorney for REGINO C. GRUSPE

APPROVED/DISAPPROVED

By:

Date:

Kathleen A. Leavitt
Standing Trustee

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

3 ☐ The court has waived the requirement of approval under LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
7 hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this
8 case, and each has approved or disapproved the order, or failed to respond as indicated below:

9 Kathleen A Leavitt .-approved
10 David Krieger, Esq. -approved

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